

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION

STEVE SMITH

PLAINTIFF

VS.

CIVIL ACTION NO. 3:06cv613-JCS

UNKNOWN EVANS, et al.

DEFENDANTS

OPINION AND ORDER

Plaintiff is a convicted state inmate who is housed at the Central Mississippi Correctional Facility (CMCF). Defendants are officers and employees of CMCF. Plaintiff brought the present section 1983 action alleging failure to protect and denial of medical treatment. Specifically, Plaintiff alleges that on April 14, 2002, he was assaulted by gang members and received a severe injury to his foot. According to Plaintiff, Defendant Evans, an officer at the prison, witnessed the assault but failed to intervene. He claims that afterward he was denied adequate medical treatment for his injury. Plaintiff's testimony at the hearing, however, established that several of Defendants were not personally involved in any denial of medical care. Indeed, the only Defendants against whom Plaintiff has arguably stated a claim of deliberate indifference to a serious medical need are Defendants Funches, Beverly Walker, and Shipley. Accordingly, the following Defendants are hereby dismissed: Margaret Bingham, Levin Jones, Joseph Blackson, Rochel Walker, Donna Foster Brian Ladner, Leon Shields, Correctional Medical Services, Wexford Health Sources, and John Does.

SO ORDERED, this the 20th day of August, 2007.

/s/ James C. Sumner

UNITED STATES MAGISTRATE JUDGE